

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3909 of 2002

Between:

A.M.Reddy, S/o. Bal Reddy,
A.P.S.R.T.C., Sircilla,
Sircilla Depot, Karimnagar District.

..... PETITIONER

AND

- 1 The Managing Director & Vice Chairman, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
- 2 The Regional Manager, A.P.S.R.T.C.,
Karimnagar Region, Karimnagar District.
- 3 The Depot Manager, A.P.S.R.T.C.,
Sircilla Depot, Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ of Mandamus declaring the action of the Respondents in imposing punishment of penalty of deferment of increment for a period of one year without conducting enquiry is illegal, arbitrary and against the principles of Natural Justice and consequently set aside the punishment.

Counsel for the Petitioner:MR.P.GIRI KRISHNA

Counsel for the Respondent No.: MS.P.RAJANI, SC FOR APSRTC

The Court made the following :

-

ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The petitioner, who is working as Driver with the respondent Corporation, filed this Writ Petition inter alia, as against the action of the respondents herein, for imposing punishment of deferment of annual increments, for a period of one year.

The entire case of the Corporation is that the petitioner was involved in an accident, which occurred on 4.2.1999 while driving on route Vemulawada-Bhiwandi near Doki, 50 KMs away from Lathur and a criminal case has been filed in SCC No. 348 of 1999 on the file of Judicial First Class Magistrate, Osmanabad and the petitioner has been prosecuted for that and ultimately, the said case was ended in acquittal as per the judgment dated 28.1.2003. However, in the charge made against the petitioner, the allegation included both as to the commission of the said accident and also damages suffered to the Corporation in regard to the Bus, which comes together at Rs. 7,412/-.

Having heard the learned counsel on either side and also on perusal of the material, the only question that calls for consideration is as to whether the petitioner is liable for any penalty in regard to the allegation made against him in the charge, in respect of the accident and also the damages suffered by the Corporation in regard to the vehicle involved. There is no dispute of the fact that the accident occurred in the state of Maharashtra on 4.2.1999 and on account of which, certain passengers received injuries and the vehicle also got damaged, which was estimated at Rs. 7,412/-. No doubt, a criminal case launched against the petitioner and the same ended in acquittal and there is no further appeal or any other proceedings pending against the petitioner. The charge therefore, included both with regard to the extent responsible for the incident and also towards damages. It is now well-established principle that any charge should commensurate to the gravity of the charges and allegations and should not go far beyond. In this case, imposition of punishment of penalty and deferment of increment for one year both appear far beyond the said sum of Rs. 7,412/-. for which, there cannot be any explanation on the part of the respondents. In view of the same, on the face of it, such deferment of increment for a period of one year is quite far beyond the gravity of the offence.

Accordingly, the Writ Petition is allowed reducing the quantum of penalty only to the extent of Rs. 7,412/-. No costs.

B. PRAKASH RAO, J

Dated: 14.12.2004

Ka

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday, The Fourteenth Day of December Two Thousand and Four.

To

- 1 The Managing Director & Vice Chairman, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
- 2 The Regional Manager, A.P.S.R.T.C.,
Karimnagar Region, Karimnagar District.
- 3 The Depot Manager, A.P.S.R.T.C.,
Sircilla Depot, Karimnagar District.

4. 2CD copies

